THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 11960 of 2006

Oral order:

The petitioners claim to have been appointed as Work Inspectors on NMR basis by the Block Development Officer. They were brought under the supervision and control of the Deputy Executive Engineers of the Krishna District S.C. Co-operative Society Limited. While working as such, the 1st respondent issued proceedings dated 06.08.2006, transferring them to work under the control of Mandal Development Officers. Assailing the said proceedings the petitioners filed the present writ petition.

While admitting the writ petition, this Court by order dated 16.06.2006, passed interim directions, directing the respondents to continue the petitioners in service. To vacate the said order, the respondents filed vacate stay petition. A learned Judge of this Court vide order dated 18.10.2006, vacated the interim order. Aggrieved by the said order, the petitioners filed appeal in W.A.
No. 1215 of 2006, and a Division Bench of this Court vide judgment dated 17.11.2006, dismissed the writ appeal and directed the expeditious hearing of the writ petition, and accordingly directed the listing of the writ petition for final hearing.

Pursuant to the judgment of the Division Bench, the writ petition was listed before this Court, and after several adjournments, the matter was heard on 21.06.2007. As there was confusion regarding the status of the petitioners – whether they are employees of the Krishna District S.C. Co-operative Society Limited or the Panchayat Raj and Rural Development, this Court, to ascertain thereof, while directing the

writ petition to be listed after ten days, passed the following order:

The petitioners claim that they are employees of the Krishna District S.C. Co-operative Society Limited. They filed the present writ petition aggrieved by the orders dated 060.06.2006, passed by the 1st respondent transferring and directing them to work under the control of the Mandal Development Officers.

On behalf of the Krishna District S.C. Co-operative Society Limited, counter affidavit is filed contending that the petitioners are not their employees.

The Collector, Krishna District, though was impleased as 4th respondent, he has not filed any counter. However, the learned Government Pleader for Panchayat Raj Department, submitted that the petitioners were appointed as Work Inspector under RLEGP scheme, to supervise CI wells. The said scheme is now not in existence. Neither there are posts of Work Inspector in the staffing pattern of Mandal Development Offices nor are there any funds earmarked for payment of salaries to the petitioners. Therefore, it is not possible for the respondents to take the petitioners into the service of Mandal Development Offices.

Given the facts and circumstances, the question that arises for consideration is whether the petitioners are employees of the Krishna District S.C. Co-operative Society or employees of the Panchayat Raj and Rural Development. This question has to be decided by officers at a higher level. Therefore, the Principal Secretary in the Panchayat Raj and Rural Development, Secretariat, and the District Collector, Krishna District, are directed to file their counters indicating the status of the petitioners and their future, namely whether they are employees of the Krishna District Co-operative Society or Panchayat Raj and Rural Development, and who is responsible to pay their salaries, and whether or not they would be continued in service.

Today when the writ petition is taken up for hearing, the learned Government Pleader for Panchayat Raj filed counter affidavit of the 4th respondent, namely the District Collector. He also filed copy of the minutes of the meeting held on 28.06.2007, wherein the 4th respondent has directed all the Mandal Parishad Development Officers, to implement and obey the orders impugned in the writ petition, by deputing the Work Inspectors to the needy Departments. The Mandal Parishad Development Officers, who attended the meeting, agreed to take the petitioners.

Even though the petitioners questioned the orders of transfer, but in view of the fact that the 4th respondent has directed all the Mandal Parishad Development Officers to take the petitioners and utilize their services in the needy Departments, and having regard to the fact that the Mandal Parishad Development Officers, have also

agreed to take the petitioners and utilize their services in the needy Departments, as directed by the District Collector, the learned counsel for the petitioners submitted that no further orders are needed in the writ petition. He however, prayed that the petitioners be granted the liberty to file fresh writ petition seeking the relief of regularization and other consequential benefits.

In view of the above, no further orders needed in the writ petition, and the same is accordingly closed. The petitioners, however, are at liberty to file fresh writ petition seeking the relief of regularization and other consequential benefits, including the entitlement or otherwise to the salaries for the period for which they were not taken into employment by the Mandal Parishad Development Officers. No costs.

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N.V. RAMANA, J.

Dated: 10th July, 2007.
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